

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Christopher Lane,)	Civil Action No.: 0:12-cv-02519-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
South Carolina Department of)	
Corrections,)	
)	
Defendant.)	
)	

Plaintiff Christopher Lane filed this action in the Dorchester County, South Carolina, Court of Common Pleas, and Defendant South Carolina Department of Corrections removed this action on the basis that Plaintiff filed federal claims. Defendant now moves to dismiss the action as duplicative and to assess a “strike” pursuant to 28 U.S.C. § 1915(g). Additionally, Plaintiff moves to remand the action to Dorchester County Court of Common Pleas. These matters are before the Court for review of the Report and Recommendation of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court grant deny Defendant’s motion to dismiss and grant Plaintiff’s remand the action to state court.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Defendant’s motion to dismiss [ECF No. 8] is **DENIED**; and Plaintiff’s motion to remand to the Dorchester County Court of Common Pleas [ECF No. 16] is **GRANTED**. A certified copy of this order and the Magistrate Judge’s Report and Recommendation shall be mailed by the Clerk of this Court to the Clerk of Court for the Court of Common Pleas, Dorchester County, South Carolina.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

December 7, 2012
Florence, South Carolina